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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,682	02/07/2001	Anthony Joseph Stentz	285632-00003	4097

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Alan G. Towner
Pietragallo, Bosick & Gordon
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219

EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,682

Applicant(s)

STENTZ ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/05 and 12/15/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The RCE filed 3/14/05 has been entered, and accordingly the amendment filed 12/15/04 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 9-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driscoll, Jr. et al and Windle (6606117) and Baker (5686957).

4. Regarding claim 1, Driscoll, Jr. et al show: an imaging system with a panoramic visual images display device (Figures 13A-B, column 3 lines 60-67) and associated directional sound playback device (column 11 lines 40-50). Driscoll Jr et al do not specifically show the corresponding recording equipment for the visual images being positioned remotely from the sound capturing device, but do mention conveniently recording images and associated directional sound for play back. Furthermore, Windle shows the capturing devices for images and sound remote from each other for conveniently obtaining associated directional sound for playback (column 4 lines 7-33). It would have been obvious to a person with ordinary skill in the art to have this in

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Driscoll Jr et al because it would provide a convenient way to obtain images and associated directional sound for playback. Neither Driscoll Jr et al nor Windle show specifically that the sound capturing device is responsive to a viewing direction of the image recording device, but both mention effectively obtaining images and associated directional sound for playback. Furthermore, Baker does in fact have directional sound capturing responsive to a viewing direction in a mutually responsive visual/audio system (Baker Figures 1A, 6A-B, column 5 lines 15-45, column 6 lines 5-25 and 53-65, column 7 lines 15-30, column 8 lines 25-45, column 10 lines 10-37) for effectively obtaining images and associated directional sound for playback. It would have been obvious to a person with ordinary skill in the art to have the associated directional sound responsive to the viewing direction, in the system as suggested by Driscoll Jr et al and Windle, because it would allow effective obtaining of images and associated directional sound for playback, especially in a system in which the capturing devices for images and sound are distant from each other.

5. Regarding claim 2, the display device displays a selected portion of the panoramic visual images (Driscoll Jr et al column 8 lines 45-67).

6. Regarding claim 3, the selected portion comprises a field of view from about 1-60 degrees (Driscoll Jr et al column 3 lines 45-67).

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7. Regarding claim 4, the directional sound playback provides sound associated with the selected portion of the panoramic visual images (Driscoll Jr et al column 11 lines 50-67).

8. Regarding claim 5, in addition to that mentioned for claim 1, note that the image recording device in Windle performs a zoom function and controls the sound based on that (column 4 lines 7-52).

9. Regarding claim 6, the sound balance is controlled in the sound capturing device of Windle (column 4 lines 20-41).

10. Claims 9-10 show the same features as claim 1, and are rejected for the same reasons.

11. Regarding claims 11-13, the system records to a full range of 360 degrees, and may record in about 60 degree intervals, thus fulfilling the features of these claims (Driscoll Jr et al column 3 lines 45-67, column 4 lines 1-16).

12. Regarding claims 14-15, the recording device is a video camera (Driscoll Jr et al column 4 lines 7-15 and 51-67, column 5 lines 43-65).

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13. Regarding claim 16, the recording device has a panoramic mirror (Driscoll Jr et al column 4 lines 6-33).

14. Regarding claims 17-18, the system has at least two microphones which may be omnidirectional (Driscoll Jr et al column 11 lines 40-50).

15. Regarding claim 19, the microphones may be unidirectional (Driscoll Jr et al column 11 lines 52-58).

16. Regarding claims 20 and 25, in addition to the aforementioned, note that the images are captured (Driscoll Jr et al column 5 lines 29-32).

17. Regarding claims 21-23, the field of view may go in intervals of 30 degrees, and 90 degrees, besides the 60 degree interval (Driscoll Jr et al column 8 lines 47-67, column 9 lines 55-67, column 10 lines 20-44).

18. Claim 24 shows the same features as claim 13 and is rejected for the same reasons.

19. Claims 26-29 show the same features of claims 1-4 respectively, and are rejected for the same reasons as those claims.

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20. Claims 30-38 show the same features as claims 11-19 respectively, each also having the features of claim 1. These claims are thus all rejected for the same reasons as claim 1 plus the reasons of claims 11-19 respectively.

21. Claims 39-40 show the same features as claim 26 and is rejected for the same reasons.

22. Claims 41 and 42 show the same features as claims 6 and (1 with 5 combined) respectively, and are rejected for the same reasons.

22. Applicant's arguments with respect to claims 1-6 and 9-42 have been considered but are moot in view of the new ground(s) of rejection. Note though that the combination of references is valid for effectively capturing images and related sound data, and that especially in view of the Baker reference, the image and sound data would be captured in a correlated manner.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
PRIMARY EXAMINER